REMARKS/ARGUMENTS

The claims are 1, 3-4 and 6. Claims 1, 3-4 and 6 have been amended to better define the invention. In addition, a new title has been provided as requested by the Examiner and showing the changes with markings as required in the Notice of Non-Compliant Amendment. Support for the claims may be found, *inter alia*, in the disclosure at pages 6-7. Reconsideration is expressly requested.

The title of the invention was objected to as not being descriptive. In response, Applicant has changed the title of the invention, which it is respectfully submitted overcomes the objection to the title as set forth in the Office Action. As requested in the Notice of Non-Compliant Amendment, the changes to the title have been shown with markings.

Claims 3, 4 and 6 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for the reasons set forth on pages 3-4 of the Office Action. In response, Applicant has, *inter alia*, amended claims 3, 4 and 6 to improve their form, which it

is respectfully submitted overcomes the Examiner's rejection under 35 U.S.C. 112, second paragraph.

Claims 1, 3 and 4 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Teller U.S. Patent No. 2,764,783* in view of *Beasley U.S. Patent No. 6,148,568* and *Ray U.S. Patent No. 5,365,704*. The remaining claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Teller*, *Beasley*, and *Ray* and further in view of *Gilbert U.S. Patent No. 2,182,757*.

Essentially the Examiner's position was (a) that *Teller* discloses the sales and presentation area recited in the claims, except for the annular region being divided into ring segments and except for providing a lifting and lowering device over which ring segments slide in the course of the rotation and movement of the annular region and on which the ring segments rest during a standstill of the annular region for moving the ring segments in a vertical direction, (b) that *Beasley* discloses an annular region divided into ring segments, (c) that *Ray* discloses a lifting and lowering device, which raises and lowers floor segments, and (d) that it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the area capable of sales and presentations of *Teller* by (1) making the essentially annular region be divided into ring segments as taught by *Beasley*, in order to be able to more easily move the ring segments for repairs and refurbishments than the entire annular floor; and (2) including a lifting and a lowering device to raise and lower the floor segments, as taught by *Ray* in order that the ring segments slide over the lifting and lowering device in the course of the rotational movement of the annular region and rest on the lifting and lowering device during a standstill of the annular region so that the floor ring segments may be changed for different activities to be conducted on the annular region, and as well as for refurbishment and repair. *Gilbert* was cited with respect to claim 6, as disclosing first and second areas for presentations both having rotational annular regions that nearly touch.

In response, Applicant has, *inter alia*, amended claim 1 to better define the invention by including the rotational speed of the outer diameter of the annular region, which is limited to 2.5 cm/sec. This recitation makes clear that the rotating ring segments are designed <u>for use during permanent rotation</u>. As

stated in Applicant's Amendment After Final filed July 9, 2008, support may be found in the disclosure, *inter alia*, at pages 6-7 of the disclosure. For example, page 7, lines 8-14 states:

> "For example, if the outer diameter of annular region 3 is 120 m and the inner diameter is 80 m, then at a maximum permissible rotational speed of 2.5 cm/sec., the angular speed selected is to be approximately 1.4 rad/hour, which corresponds to a rotational speed of 1.6 cm/sec. at the inner diameter and 2.4 cm/sec. at the outer diameter of circular ring 3."

The rejection of the claims is respectfully traversed for the following reasons.

As set forth in claim 1 as amended, Applicant's invention provides a sales and presentation area having an outer sales and presentation region and an inner sales and presentation region being arranged in such a way that an essentially annular region is defined between the outer sales and presentation region and the inner sales and presentation region.

The annular region is rotatably mounted in the horizontal direction with the outer diameter of the annular region being

limited to a maximum rotational speed of 2.5 cm/sec and divided into ring segments. A lifting and lowering device is provided over which the ring segments slide in the course of the rotational movement of the annular region and on which the ring segments rest during standstill of the annular region for moving the ring segments in the vertical direction.

In this way, Applicant's invention provides a sales and presentation area in which an essentially annular region defined between the outer sales and presentation region and the inner sales and presentation region is made rotatable so that a static appearance is avoided and continuously changing scenery is ensured even if the customers are resting, thereby making the effect of familiarity less likely to occur.

None of the cited references discloses or suggests a sales and presentation area having an essentially annular region defined between an outer sales and presentation region and the inner sales and presentation region that is rotatably mounted in the horizontal direction with the outer diameter of the annular region being limited to a maximum rotational speed of 2.5 cm/sec

and divided into ring segments as recited in claim 1 as amended or teaches the benefits that accrue from that structure.

The primary reference to *Teller* simply discloses residential dwellings (column 1, line 15), in particular "residences occupied by one or more infirm persons" (column 1, lines 31-32). Although *Teller* provides rotational structures in order to move from one room to another as reasonable transfer times, there is no disclosure or suggestion of an essentially annular region divided into ring segments or providing a lifting and lowering device over which the ring segments slide in the course of the rotational movement of the annular region and on which the ring segments rest during a standstill of the annular region for moving the ring segments in the vertical direction. In contrast to the rotational structures of *Teller*, Applicant's sales and presentation area as recited in claim 1 as amended has rotating ring segments whose purpose is not to move people from one point to the other, but rather to provide a slowly changing scenery during a stay on the rotating ring segments.

The defects and deficiencies of the primary reference to *Teller* are nowhere remedied by the secondary references to *Beasley*, *Ray*, or *Gilbert*.

Like *Teller*, *Beasley* fails to disclose or suggest rotating structures in sales and presentation areas. *Beasley* simply discloses turnable structures in residential dwellings and commercial structures, such as medical examination and treatment facilities, multipurpose auditorium structures, and vehicular parking structures (see column 1, lines 18-21 of *Beasley*). Even if FIG. 12 of *Beasley* could be considered to show a rotatable annular region divided into ring segments as suggested by the Examiner, it is respectfully submitted that *Beasley* still fails to show a permanent rotation at a low speed for permanent use during rotation. Like *Teller*, *Beasley* provides rotational structures in order to move from one room to another at a reasonable transfer time, not to provide a slowly changing scenery during a stay at the rotating ring segments.

Like *Teller* and *Beasley*, *Ray* fails to disclose or suggest rotating sales and presentation areas. *Ray* simply discloses turntables in arenas, stadiums and sports facilities (see column

1, line 15 of *Ray*). Like *Teller* and *Beasley*, *Ray* fails to disclose or suggest turntable structures in sales and presentation areas such as shopping malls. Thus, even if a hypothetical combination of the three references of *Teller*, *Beasley*, and *Ray* would be made by one skilled in the art, one would still not achieve Applicant's sales and presentation area using rotating ring segments in shopping malls.

The remaining reference to *Gilbert* which has been cited with respect to claim 6 has been considered but is believed to be no more pertinent. *Gilbert* simply discloses a stage setting with a floor resting on a theater stage floor. The stage setting floor consists in part of two rotatable ring-shaped platforms 12 and 13 of substantial width lying flush with the surface of the remainder of the stage setting floor and provided with casters whereby they may ride on the theater stage floor and be guided in a circular movement by the contiguous edges of the remainder of the stage setting floor. There is no disclosure or suggestion of a sales and presentation area having an annular region defined between an outer sales and presentation region and an inner sales and presentation region that is rotatably mounted in the

horizontal direction with the outer diameter of the annular region being limited to a maximum rotational speed of 2.5 cm/sec.

Accordingly, it is respectfully submitted that claim 1 as amended, together with claims 3-4 and 6 which depend directly or indirectly thereon, contain patentable and unobvious subject matter.

In summary, claims 1, 3-4 and 6 have been amended along with the title of the invention. In view of the foregoing, it is respectfully requested that the claims be allowed and that this application be passed to issue.

Respectfully submitted,
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Enclosure: Copy of Petition- 2 month extension of time

CERTIFICATE OF MAILING

EXPRESS MAIL NO. **EM 171 583 996 US**
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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above, and is addressed to the Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Amy Klein